

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JOE JIMENEZ, #2072588

§

VS.

§

CIVIL ACTION NO. 6:18cv60

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

Petitioner Joe Jimenez, a state prisoner confined within the Texas Department of Criminal Justice (TDCJ) proceeding *pro se*, filed this federal petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging two disciplinary proceedings. The petition was referred to United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On August 31, 2020, Judge Mitchell issued a Report, (Dkt. #15), recommending that Petitioner's federal habeas petition be denied, with prejudice, and that Petitioner be denied a certificate of appealability *sua sponte*. A copy of this Report was sent to Petitioner at his address, with an acknowledgment card. The docket reflects that Petitioner received a copy of the Report on September 25, 2020, (Dkt. #16). However, to date, objections to the Report have not been filed and Petitioner has not communicated with the Court since March 2018.

Because objections to Judge Mitchell's Report have not been filed, Petitioner is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

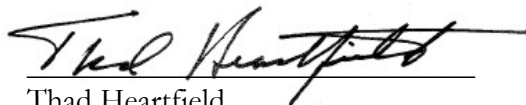
ORDERED that the Report of the United States Magistrate Judge, (Dkt. #15), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Petitioner's federal habeas petition is hereby **DENIED** with prejudice. Moreover, it is

ORDERED that Petitioner is **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED** as **MOOT**.

SIGNED this the 21 day of **October, 2020**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge